

October 21, 2022

President Joseph R. Biden
The White House
1600 Pennsylvania Avenue, N.W.
Washington, DC 20500

I write to you today to strongly encourage your administration to engage constructively in the forthcoming 8th annual negotiations of the UN open-ended intergovernmental working group (IGWG) on transnational corporations and other business enterprises with respect to human rights. Following years of the U.S. government's opposition to the IGWG process, your administration has an opportunity to reverse course and to foster greater alignment between your policy positions on business and human rights and the challenges facing "fenceline communities", including those harmed through environmentally destructive actions of transnational corporations.

Your administration has acknowledged the impact of toxic industry, oftentimes caused by transnational corporations on fenceline communities in the United States, like the Black communities poisoned by toxic pollution in Louisiana's "Cancer Alley" and Indigenous peoples affected by extraction activities across the United States.¹ In August 2022, a delegation of Black community leaders from "Cancer Alley" joined Indigenous and other human rights advocates at the UN in Geneva to elevate their calls for action to the international level.²

Now there is a clear opportunity before us to better align our policy at the international level with the calls for action by fenceline communities. In particular, the State Department must negotiate actively and constructively in the proceedings to ensure the draft text of the binding legal instrument contains robust prevention, due diligence and accountability measures which can support fenceline communities to ensure corporations are held liable for the harms they cause.

EU states and others are already engaging in the IGWG negotiations to shape the emerging international legal instrument. The instrument will level and simplify the regulatory environment

¹ The White House, January 27, 2021, *Remarks by President Biden Before Signing Executive Actions on Tackling Climate Change, Creating Jobs, and Restoring Scientific Integrity*. Available at: <https://www.whitehouse.gov/briefing-room/speeches-remarks/2021/01/27/remarks-by-president-biden-before-signing-executive-actions-on-tackling-climate-change-creating-jobs-and-restoring-scientific-integrity/>

² The Descendants Project, Inclusive Louisiana, Concerned Citizens of St John Parish & Center for Constitutional Rights, July 15, 2022, *The Afterlife of Black Enslavement: Environmental Racism and the Desecration of Black History in Louisiana* NGO Shadow Report before the United Nations Committee on the Elimination of Racial Discrimination | 107th Session, Geneva, 8-30 August 2022. Available at: https://ccrjustice.org/sites/default/files/attach/2022/07/ENVIRONMENTAL%20RACISM%20CERD%20SHADOW%20REPORT%202022.7.18%20%5BFINAL%5D_0.pdf

for all companies operating at home or globally. The U.S. should join the growing international consensus to engage in this process to develop a binding international instrument to hold corporations accountable for violations of human rights.³

I hope your administration will not undermine the critical work and progress of the UN open-ended intergovernmental working group (IGWG) on transnational corporations and other business enterprises with respect to human rights and will negotiate actively and constructively on the third draft of the text of the future binding legal instrument.

Sincerely,



Raul M. Grijalva

Member of Congress

³ In May 2022, labor ministers from all G7 countries announced their support for an internationally binding instrument on business and human rights, which was echoed by G7 leaders in a communique calling for mandatory measures on business and human rights. See G7, June 28 2022, *G7 Leaders' Communique*, pg. 10-11. Available at: <https://www.g7germany.de/resource/blob/974430/2062292/9c213e6b4b36ed1bd687e82480040399/2022-07-14-leaders-communique-data.pdf?download=1>